

**EXHIBIT 1**



US007832027B2

(12) **United States Patent**  
**Escobar et al.**

(10) **Patent No.:** **US 7,832,027 B2**  
(45) **Date of Patent:** **Nov. 16, 2010**

(54) **FLEXIBLE SINK STRAINER**

(75) Inventors: **Juan Escobar**, New York, NY (US);  
**Troy Phipps**, Brooklyn, NY (US); **John Kiechel**, San Francisco, CA (US); **Paul Katz**, New York, NY (US)

(73) Assignee: **Helen of Troy Limited**, St. Michael (BB)

(\*) Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 799 days.

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(21) Appl. No.: **11/545,747**

(22) Filed: **Oct. 10, 2006**

(65) **Prior Publication Data**

US 2008/0083059 A1 Apr. 10, 2008

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*Assistant Examiner*—Karen Younkins

(74) *Attorney, Agent, or Firm*—Seyfarth Shaw LLP; Joseph Lanser; Joseph P. Quinn

(57) **ABSTRACT**

(51) **Int. Cl.**

**E03C 1/26** (2006.01)

(52) **U.S. Cl.** ..... **4/290; 4/286**

(58) **Field of Classification Search** ..... **4/240, 4/242, 290, 286**

See application file for complete search history.

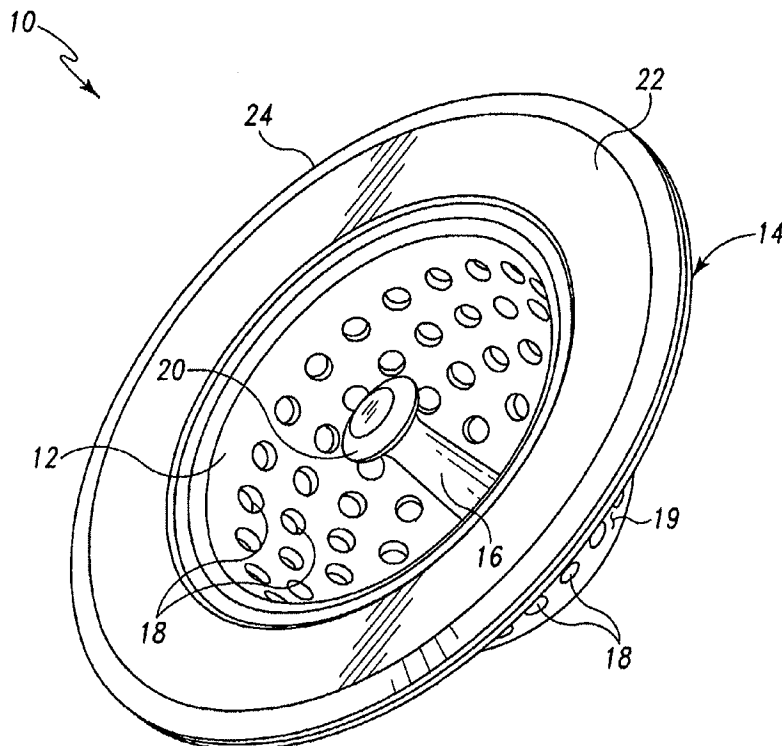
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A flexible sink strainer having a cupped body completely comprised of a flexible material including a plurality of apertures to allow fluid to pass therethrough, wherein the body is capable of attaining first and second configurations, the first configuration being suitable for capturing material entrained within fluid as it passes through the apertures and the second configuration being suitable for removing material captured on the body as fluid passes through the apertures, is disclosed.

**18 Claims, 9 Drawing Sheets**



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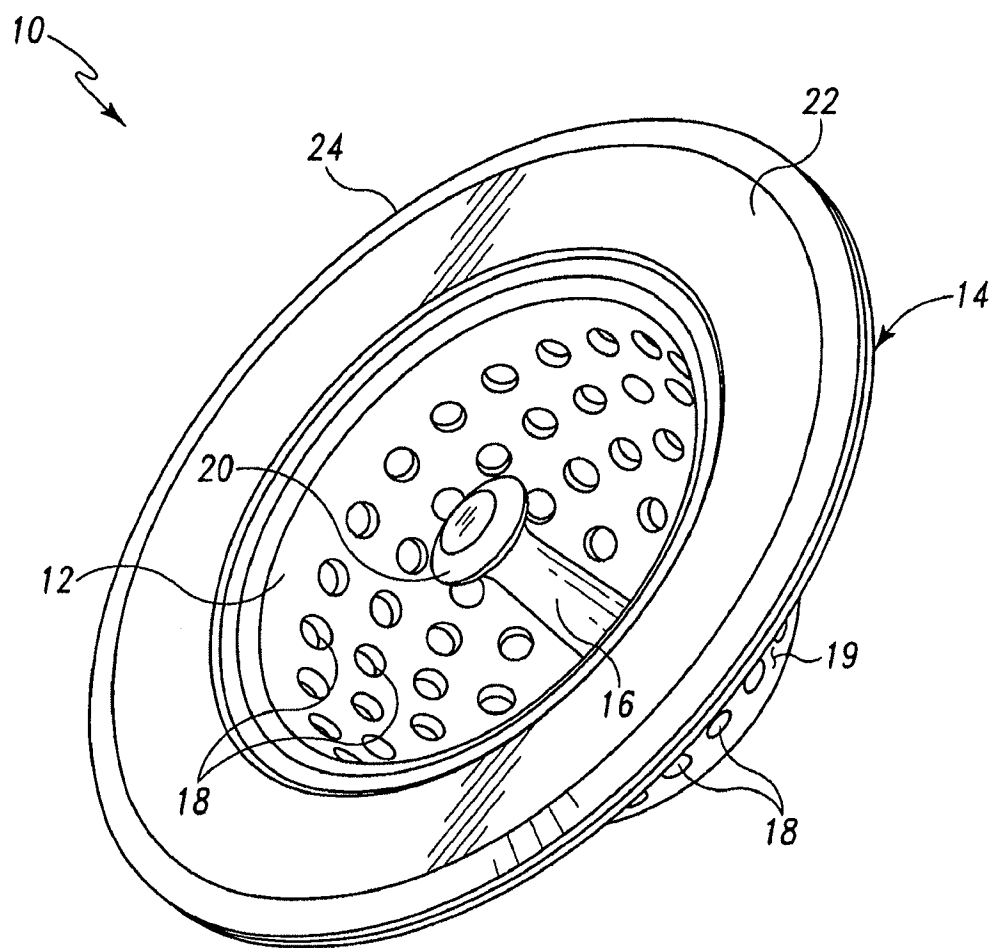


Fig. 1

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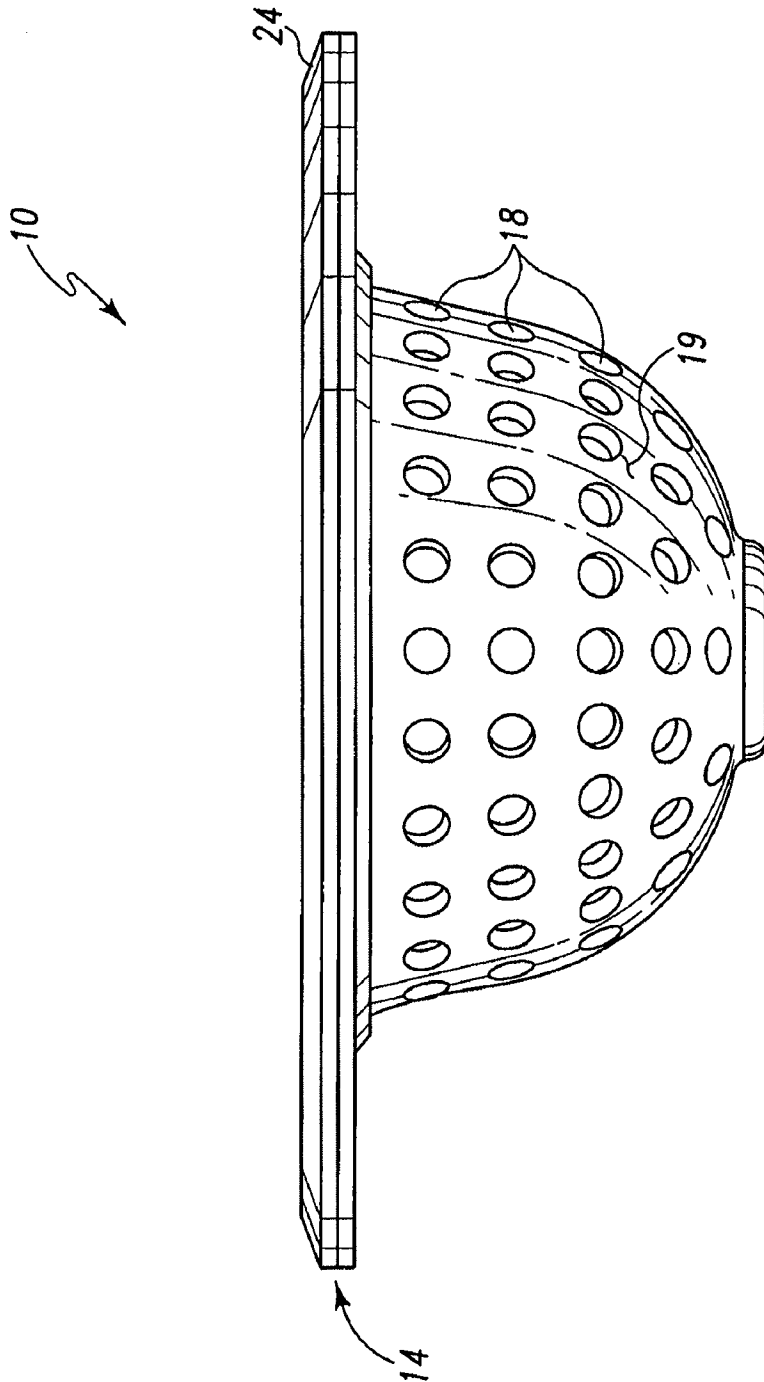


Fig. 2

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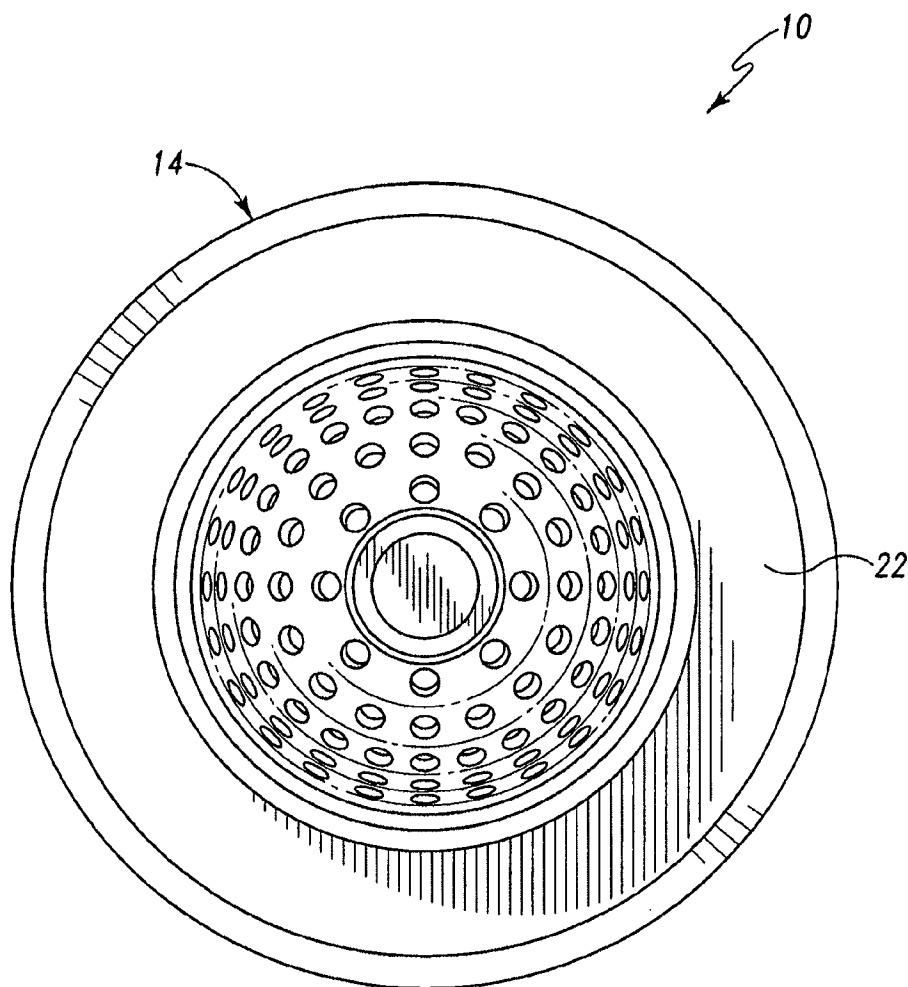


Fig. 3

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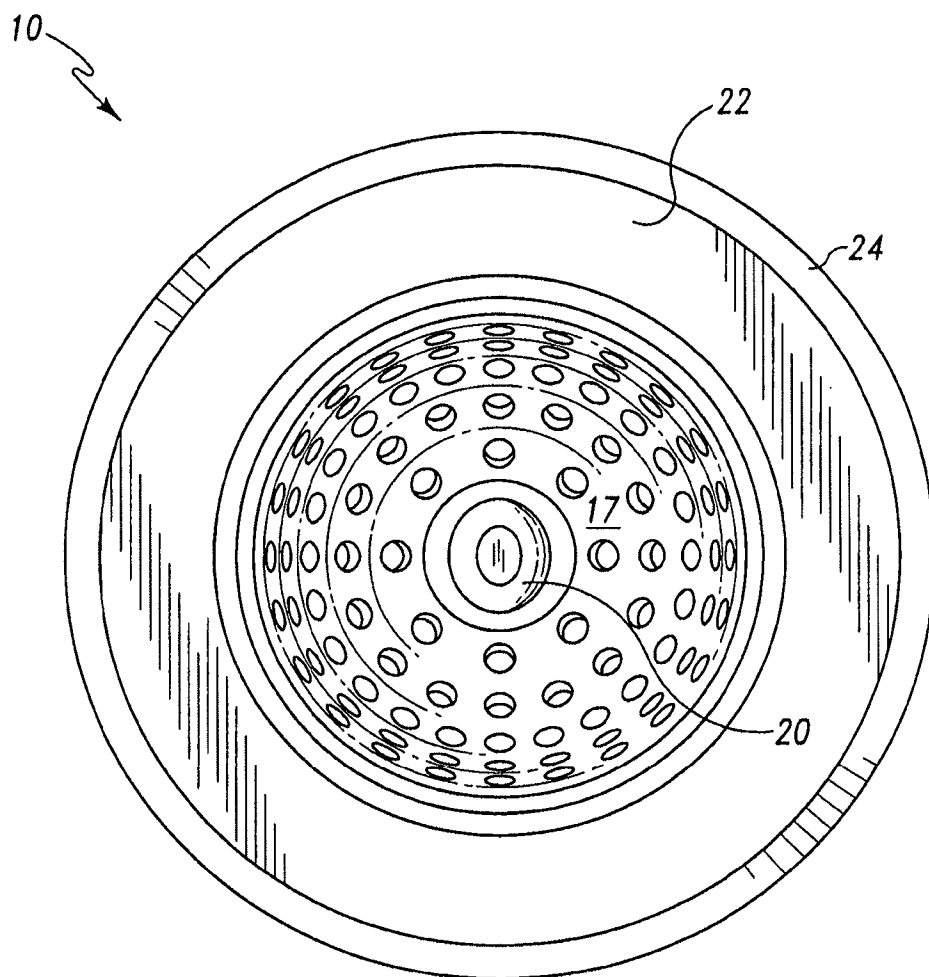


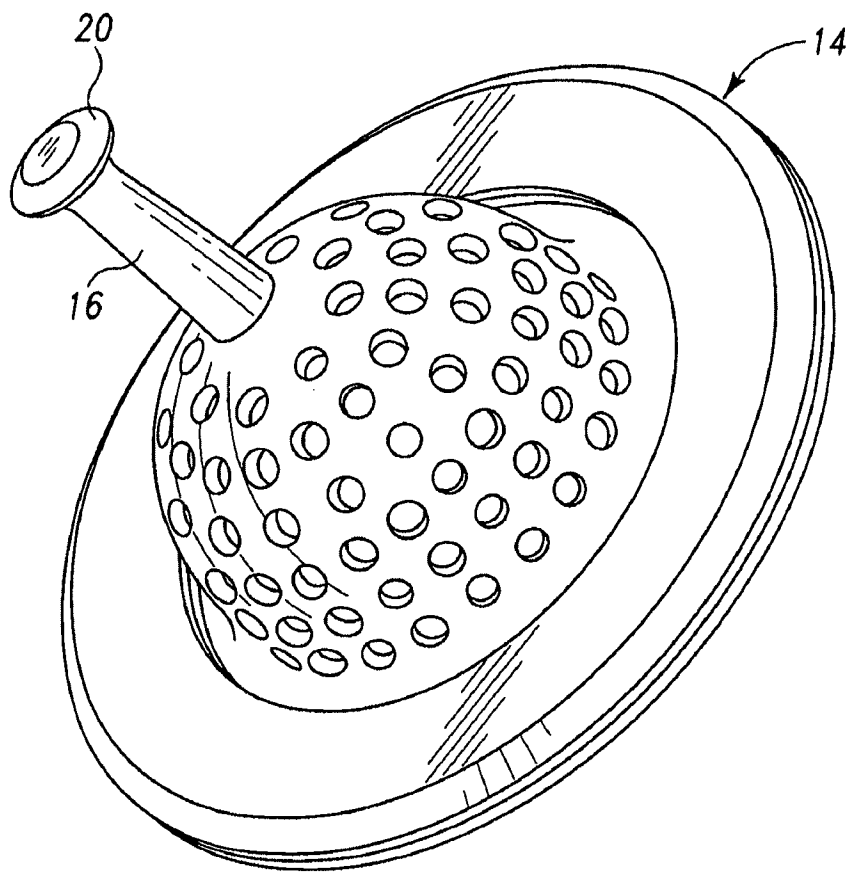
Fig. 4

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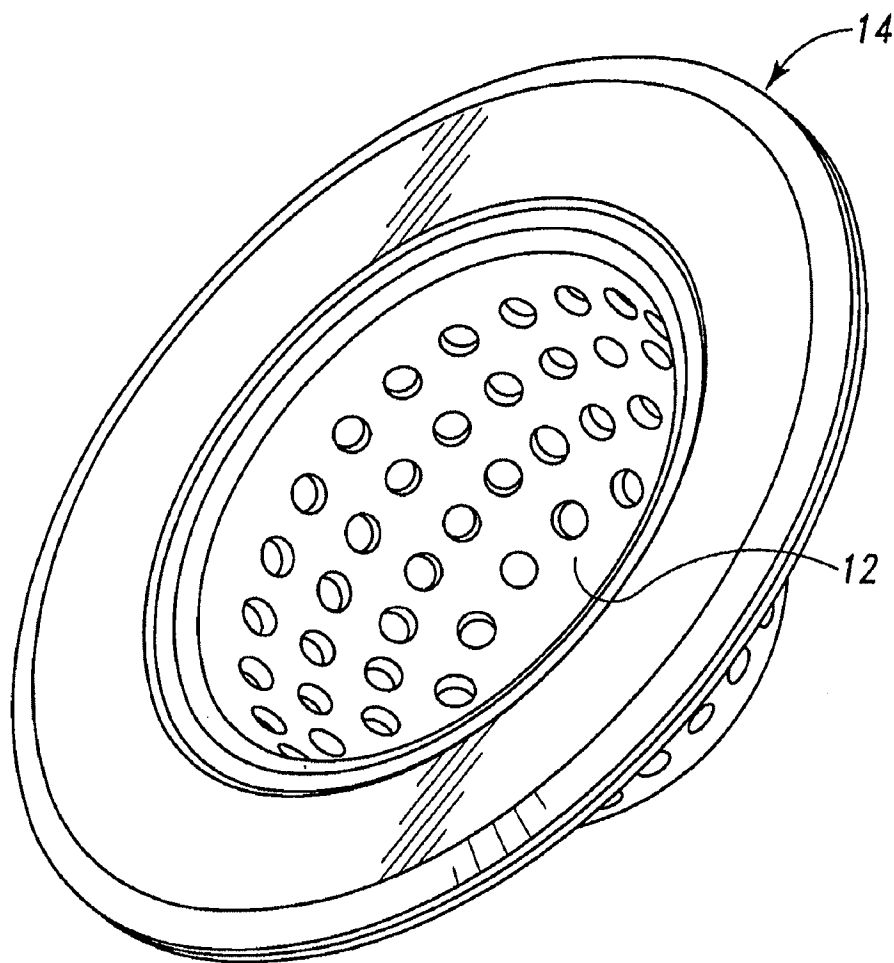
**Fig. 5**

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**Fig. 6**

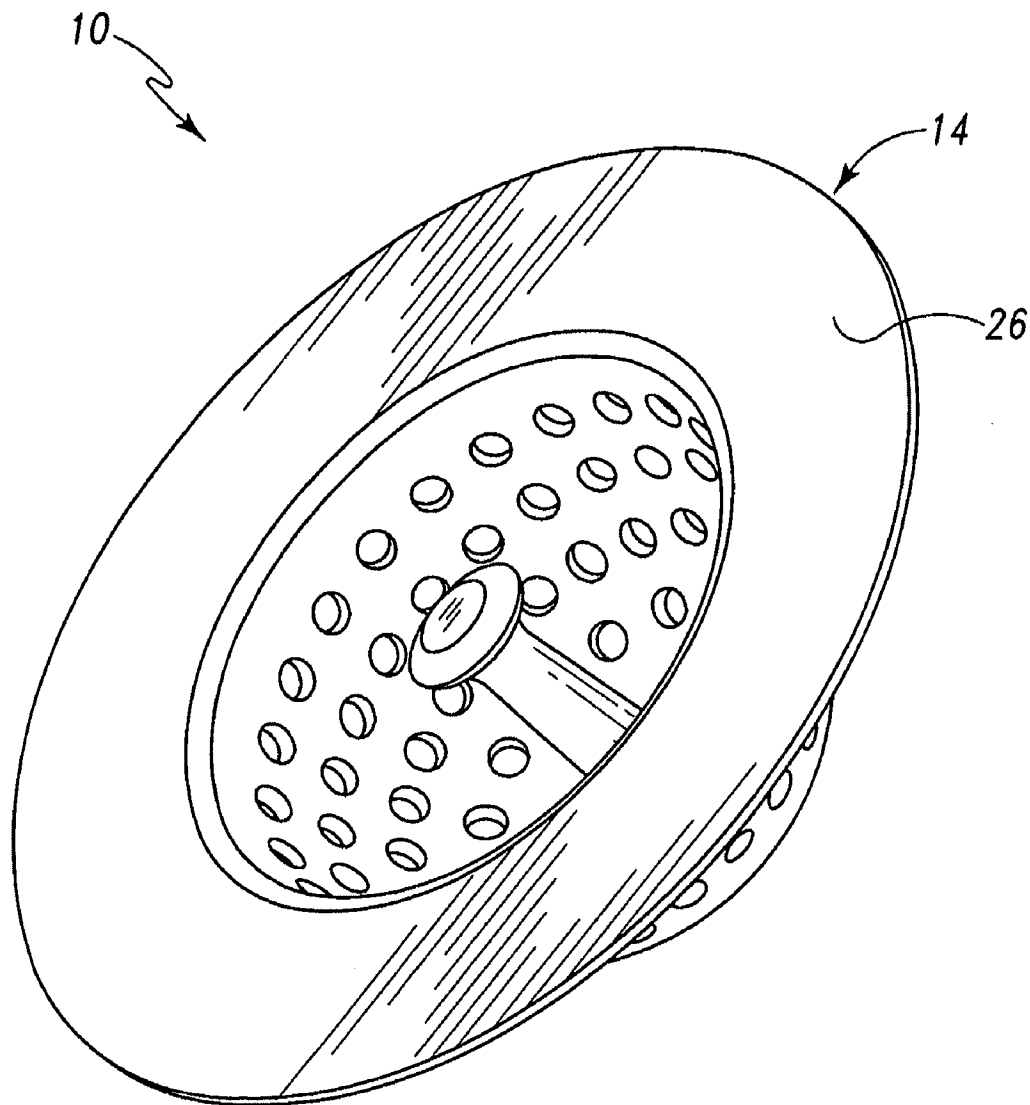


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**Fig. 7**

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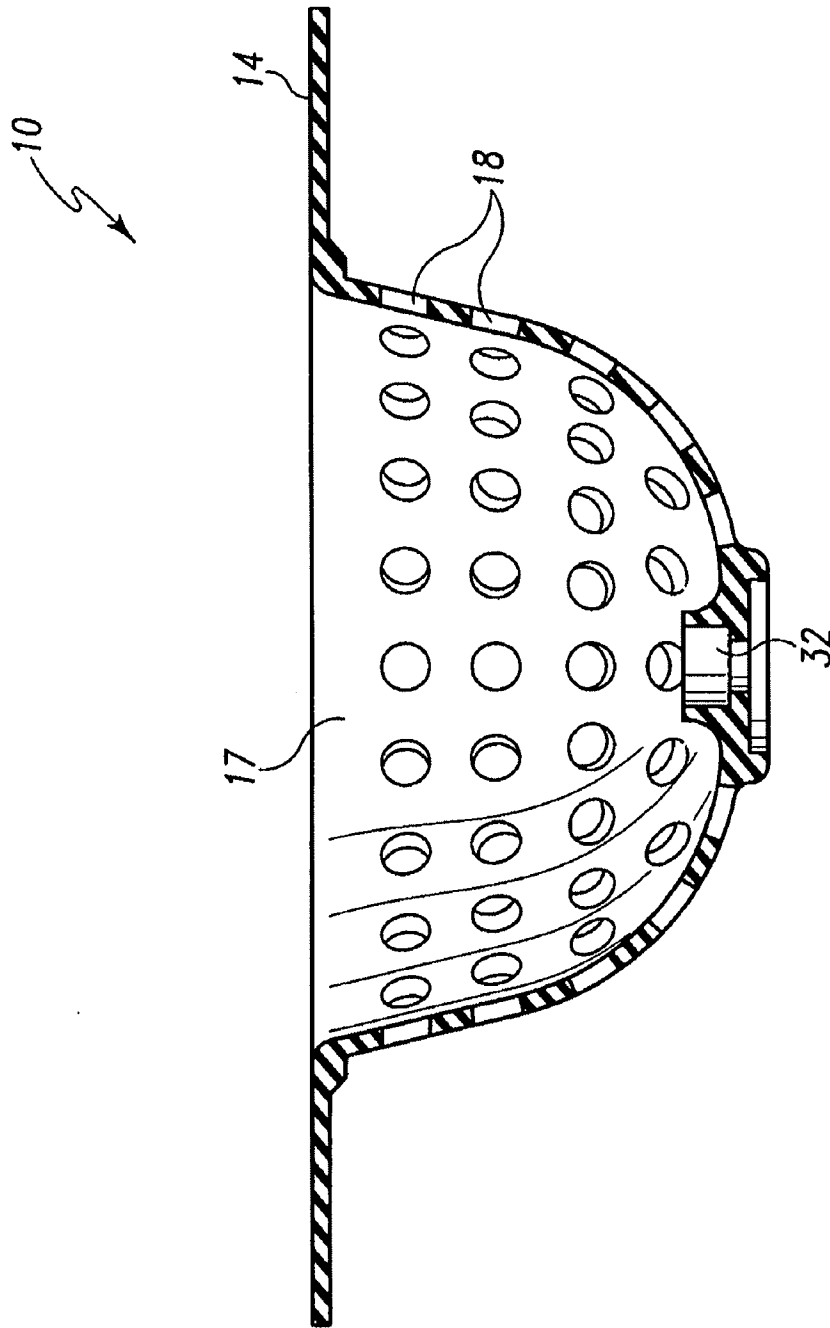


Fig. 8

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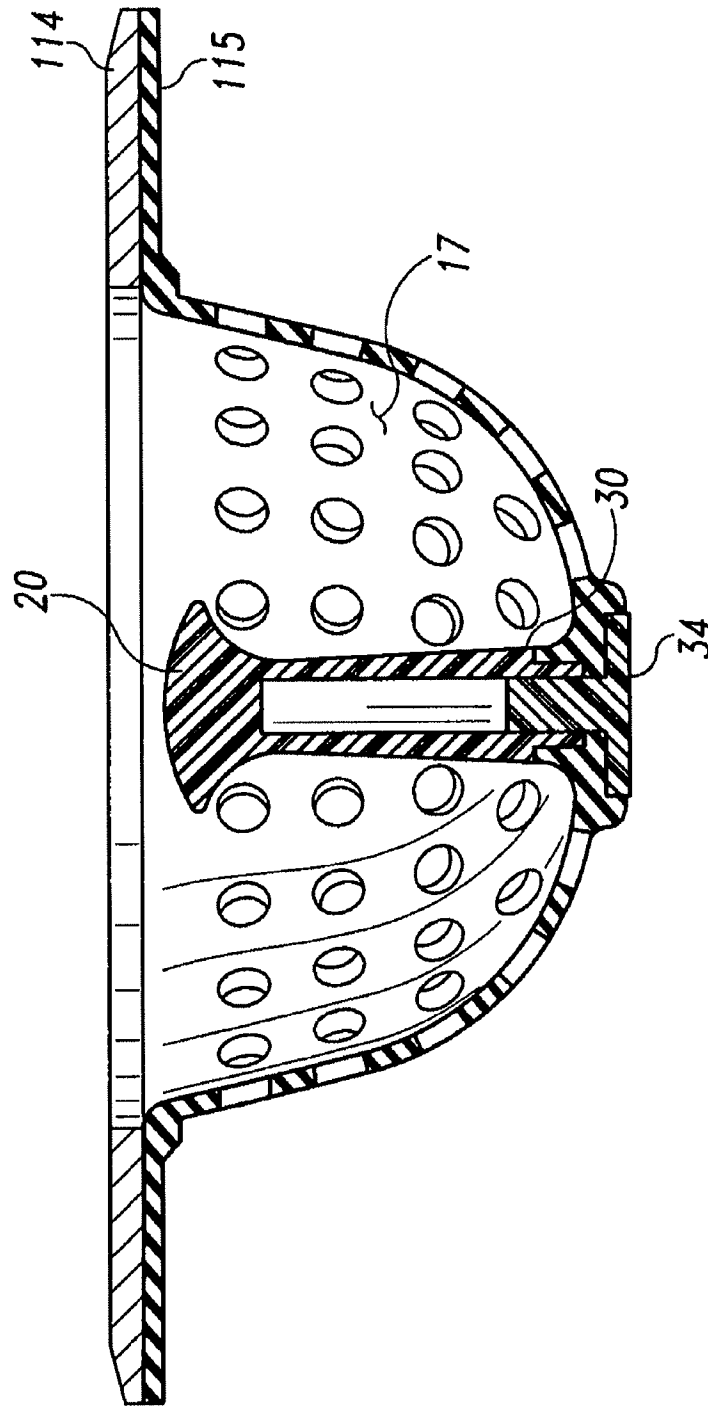


Fig. 9

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**FLEXIBLE SINK STRAINER****TECHNICAL FIELD OF THE INVENTION**

The present device relates to sink strainers. Particularly, the present device relates to flexible sink strainers.

**BACKGROUND OF THE INVENTION**

Sink strainers come in a variety of sizes and designs. Typical strainers comprise metal spherical center portions having a plurality of openings for the passage of water while blocking clog-causing solid particles from a home drain. Sometimes the strainer may include a stopper portion which allows the strainer to be "closed" to water passage. These devices are known in the art as stopper/strainers. Conversely, strainers are only suitable for straining particles from a flowing water stream.

Accordingly, strainers must be capable of being cleaned of such particles, easily and frequently. Further, due to the nature of some particles, the strainer must be capable of being cleaned from both sides of the strainer. Stopper/strainers, by their very nature, are impeded on one side by the stopper portion. Frequently, matter can become entrained in the strainer portion and stopper portion.

Similarly with strainers, as the strainer portion is concave on one surface, removal of entrained material from that surface can be difficult. Should the entrained debris build-up during use of the strainer, it can degrade the effectiveness of the strainer to allow the passage of water.

The present invention solves this and other problems associated with prior art strainers and stopper/strainers.

**SUMMARY OF THE INVENTION**

There is disclosed herein several embodiments of an improved strainer which avoids the disadvantages of prior devices while affording additional structural and operating advantages.

In one embodiment of the invention a sink strainer comprises a cupped body completely comprised of a flexible material having a plurality of apertures to allow fluid to pass therethrough, wherein the body is capable of attaining first and second configurations, the first configuration being suitable for capturing material entrained within fluid as it passes through the apertures and the second configuration being suitable for removing material captured on the body as fluid passes through the apertures.

It is an aspect of the present invention that the second configuration is an inverted form of the first configuration.

It is another aspect of the invention that an embodiment of the sink strainer further comprise a post affixed to the cupped body for facilitating movement between the first and second configurations. The post may be comprised of a flexible material, such as an elastomeric material.

It is still another aspect of an embodiment of the invention to provide a flange affixed along a periphery of the cupped body. The flange may be comprised of a rigid material, such as a metal or plastic, or a flexible material, such as an elastomer. The flexible material of the body, the post, and the flange may be the same or different materials.

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These and other aspects of the invention may be understood more readily from the following description and the appended drawings.

**BRIEF DESCRIPTION OF THE DRAWINGS**

For the purpose of facilitating an understanding of the subject matter sought to be protected, there are illustrated in the accompanying drawings embodiments thereof, from an inspection of which, when considered in connection with the following description, the subject matter sought to be protected, its construction and operation, and many of its advantages should be readily understood and appreciated.

FIG. 1 is a perspective view of one embodiment of the sink strainer of the present invention;

FIG. 2 is a side view of the embodiment shown in FIG. 1;

FIG. 3 is a bottom view of the embodiment shown in FIG. 1;

FIG. 4 is a top view of the embodiment shown in FIG. 1;

FIG. 5 is a perspective view of the embodiment shown in FIG. 1, illustrated in an inverted position;

FIG. 6 is a perspective view of a second embodiment of the sink strainer of the present invention;

FIG. 7 is a perspective view of a third embodiment of the sink strainer of the present invention;

FIG. 8 is a cross-section of the embodiment of FIG. 7; and

FIG. 9 is a cross-section of a fourth embodiment of the sink strainer of the present invention.

**DETAILED DESCRIPTION OF PREFERRED EMBODIMENTS**

While this invention is susceptible of embodiments in many different forms, there is shown in the drawings and will herein be described in detail a preferred embodiment of the invention with the understanding that the present disclosure is to be considered as an exemplification of the principles of the invention and is not intended to limit the broad aspect of the invention to embodiments illustrated.

Referring to FIGS. 1-9, there is illustrated several embodiments of a sink strainer, generally designated by the numeral 10. The strainer 10 of the embodiment shown in FIGS. 1-5 includes a strainer portion 12 having a cupped configuration defined by first and second opposing surfaces 17, 19, respectively, an annular flange 14, and a center post 16.

The strainer portion 12 is comprised of a plurality of apertures 18 sized to allow liquid, such as water, to flow through the openings while trapping solid material, such as food waste, against the first surface 17. The apertures 18 may be of equal or varied size, and may be of any desired shape, such as, for example, slots, circles, triangles, combinations and the like. The strainer portion 12 is comprised of a flexible material to allow inversion of the cupped configuration, as shown in FIG. 5. The material is preferably elastomeric, including natural and synthetic materials.

As shown in FIGS. 1 and 5, the post 16 is positioned at and attached to the center of the first surface 17. The post 16 is configured to extend a suitable distance from the first surface 17 to permit access even with considerable waste build-up. The top 20 is gently flared to facilitate a positive grip of the post 16 when wet. Further, though the post 16 may be made from any number of materials, it is preferably comprised of a rigid material, such as a thermoplastic, a thermoset plastic, a metal, or any other suitable rigid material. Alternatively, the post 16 may be comprised of a flexible material identical to

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that of the strainer portion 12. Such a configuration may provide greater ease of manufacture, especially where the two components are unitary.

As still another alternative, other suitable configurations are possible to achieve the stated objectives. For example, the purpose of the post may be achieved through use of a ring, tab, or a similar protrusion from the first surface 17. Each of these different configurations (not shown) has benefits and advantages which would be understood by those skilled in the art.

Referring to FIG. 6, another embodiment of the present strainer 10 is shown. In this embodiment the strainer 10 is devoid of a post or similar article. Removal of the strainer 10 from a sink drain opening, where quickly fluid can create a substantial vacuum, may be made more difficult without the post, but manufacture of the resulting strainer 10 could be much less expensive. Inversion of the strainer 10 would be accomplished by a user pushing on the second surface 19 of the strainer portion.

The annular flange 14 of the strainer 10 helps to secure the strainer 10 within a desired sink drain opening (not shown) by engaging a surface of the sink (not shown). The flange 14 preferably has a substantial width to provide such securement. It should be understood, however, that some circumstances may not require the strainer 10 to have a flange of any width or may require only a very small flange width. Further, the material of the flange 14 may be a flexible material, similar to the strainer portion 12, or a rigid material, similar to the preferred material of the post 16. The embodiment of FIG. 1 shows a flange 14 comprised of a layer 22 of flexible or rigid plastic material and an outer ring 24 made of a suitable metal.

FIGS. 7, 8 and 9 illustrate different embodiments of the invention. FIG. 7 shows an embodiment similar to FIG. 1, except that the flange 14 is comprised of a solid metal ring 26 affixed to the upper edge of the strainer portion 12 by any known means. FIG. 8 shows the cross-section of a strainer 10 having a flange 14 comprised of the same material as, and integral to the strainer portion 12. FIG. 8, as well as FIG. 9, also illustrates the possible removal of the center post, as it might be attached to the strainer portion 12 of the strainer 10. A tubular portion 30 of the rigid post member 16 fits within an opening 32 of the strainer portion 12 and is held in place by fastener 34 from the second surface 19. FIG. 9 illustrates an embodiment having a rigid flange member 114 affixed to a flexible flange member 115, which is molded of material identical to that of the strainer portion 12. These and other variations can be made to the components of the invention while still achieving the intended goals of the flexible strainer 10.

In use, the strainer 10 of FIGS. 1-5 is placed within a sink drain opening (not shown) of a sink (not shown), with the concave first surface 17 and post 16 of the strainer portion 12 facing upwards. As fluid is added to the sink, such as, for example, by running a faucet, the fluid is strained for solid material exceeding the aperture size of the strainer portion, while passing through the strainer 10. At any point during this process, the strainer 10 may be removed from the drain opening and, by inverting the strainer portion as illustrated in FIG. 5, the entrained solids can be properly discarded in, for example, a waste can. The strainer 10 can then be returned to its original configuration and placed back into the sink drain opening or away for storage.

The matter set forth in the foregoing description and accompanying drawings is offered by way of illustration only and not as a limitation. While particular embodiments have been shown and described, it will be apparent to those skilled in the art that changes and modifications may be made without departing from the broader aspects of applicants' contri-

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bution. The actual scope of the protection sought is intended to be defined in the following claims when viewed in their proper perspective based on the prior art.

What is claimed is:

1. A sink strainer, comprising:  
a substantially flat rigid flange having an inner circumference;  
a flexible cup-shaped body having a periphery coupled to the inner circumference; and  
an upstanding member coupled to the body distal from the periphery;  
wherein the body is adapted to be axially movable between an inverted position and a non-inverted position relative to the flange and wherein the flange includes a flexible flange member forming a sink engaging surface of the flange; and a rigid flange member forming a top surface of the flange.

2. The sink strainer of claim 1 wherein the body includes a plurality of apertures adapted to allow fluid to pass therethrough while retaining material entrained within said fluid when the body is in the non-inverted position and to allow removal of the material retained in the apertures when the body is in the inverted.

3. The sink strainer of claim 1, wherein the flange has a width adapted to engage a surface of a sink.

4. The sink strainer of claim 3, wherein the flange has an outside diameter of about 1.75 to about 2.0 times an inside diameter of the flange.

5. The sink strainer of claim 1, wherein the flange includes:  
a plastic inner ring coupled to the body; and  
a metal outer ring coupled to the inner ring.

6. The sink strainer of claim 1, wherein the flexible flange member is monolithically formed with the body.

7. The sink strainer of claim 1, wherein the flange is constructed of a metal material.

8. The sink strainer of claim 1, wherein the flange is constructed of a plastic material.

9. The sink strainer of claim 1, wherein the flange is constructed of an elastomeric material.

10. The sink strainer of claim 1, wherein the flange and the upstanding member are constructed of the same material.

11. The sink strainer of claim 1, wherein the flange and the body are constructed of the same elastomeric material.

12. The sink strainer of claim 1, wherein the upstanding member includes a post attached to a center portion of the body.

13. The sink strainer of claim 12, wherein the post has a length sufficient to permit access when the body is displaced in the non-inverted position and is substantially filled with retained material.

14. The sink strainer of claim 13, wherein the post extends to a height coinciding with a sink-engaging surface of the flange.

15. The sink strainer of claim 14, wherein the post includes a flared top portion.

16. The sink strainer of claim 1, wherein the upstanding member is removable from the body.

17. The sink strainer of claim 1, wherein the flange, the upstanding member and the body are monolithically formed.

18. A sink strainer, comprising:  
a substantially flat rigid flange having an inner circumference;  
a flexible cup-shaped body having a periphery coupled to the inner circumference and a plurality of apertures;  
an upstanding member coupled to the body distal from the periphery adapted to facilitate axial movement of the body relative to the flange;

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wherein the body is adapted to be axially movable between an inverted position relative to the flange, wherein the apertures allow fluid to pass therethrough while retaining material entrained within the fluid, and a non-inverted position relative to the flange, wherein the apertures allow fluid and material entrained in within the

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fluid and retained by the apertures to flow therethrough and wherein the flange includes a flexible flange member forming a sink engaging surface of the flange; and a rigid flange member forming a top surface of the flange.

\* \* \* \* \*

**EXHIBIT 2**

**Helen of Troy**<sup>®</sup>

**William J. Bass**  
*Assistant General Counsel*

July 11, 2011

**via overnight mail**

Mr. Matthew Frank  
d/b/a ICI USA, LLC  
2825 Eastlake Avenue East, Suite 230  
Seattle, Washington 98102

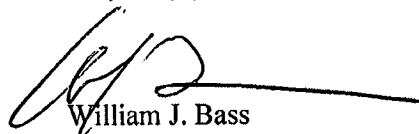
Re: "Tovolo" Collapsible Stopper & Strainer

Dear Mr. Frank:

We serve as the Office of General Counsel for the Helen of Troy family of companies, including OXO. It has come to our attention that ICI USA, LLC is importing, promoting, selling and/or distributing one or more "Tovolo" branded strainer product(s) (images and promotional materials enclosed herewith as Exhibit "A"). As you may know, OXO developed and currently markets and sells a very successful OXO brand flexible sink strainer. We have also obtained a worldwide utility patent portfolio for the same, of which U.S. Patent No. 7,832,027 is enclosed herewith as Exhibit "B" for your review.

We ask that you give this your utmost attention and look forward to receiving a response within ten (10) days of the date of this letter. If you should have any questions or concerns, please contact me.

Very truly yours,



William J. Bass

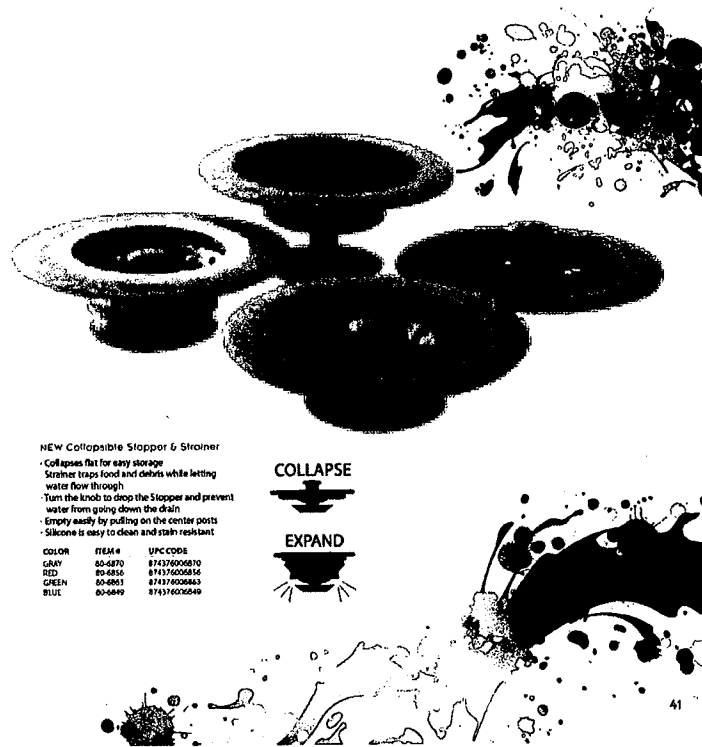
Enclosures

cc: Mr. Matthew Frank  
4500 Ninth Avenue NE, Suite 300  
Seattle, Washington 98105



# **EXHIBIT "A"**





# **EXHIBIT “B”**



US007832027B2

(12) **United States Patent**  
**Escobar et al.**

(10) **Patent No.:** **US 7,832,027 B2**  
(45) **Date of Patent:** **Nov. 16, 2010**

(54) **FLEXIBLE SINK STRAINER**

(75) **Inventors:** **Juan Escobar**, New York, NY (US);  
**Troy Phipps**, Brooklyn, NY (US); **John Kiechel**, San Francisco, CA (US); **Paul Katz**, New York, NY (US)

(73) **Assignee:** **Helen of Troy Limited**, St. Michael (BB)

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6,601,242 B1	8/2003	Rebischke

(21) **Appl. No.:** **11/545,747**

(22) **Filed:** **Oct. 10, 2006**

(65) **Prior Publication Data**  
US 2008/0083059 A1 Apr. 10, 2008

(51) **Int. Cl.**  
**E03C 1/26** (2006.01)  
(52) **U.S. Cl.** ..... 4/290; 4/286  
(58) **Field of Classification Search** ..... 4/240,  
4/242, 290, 286  
See application file for complete search history.

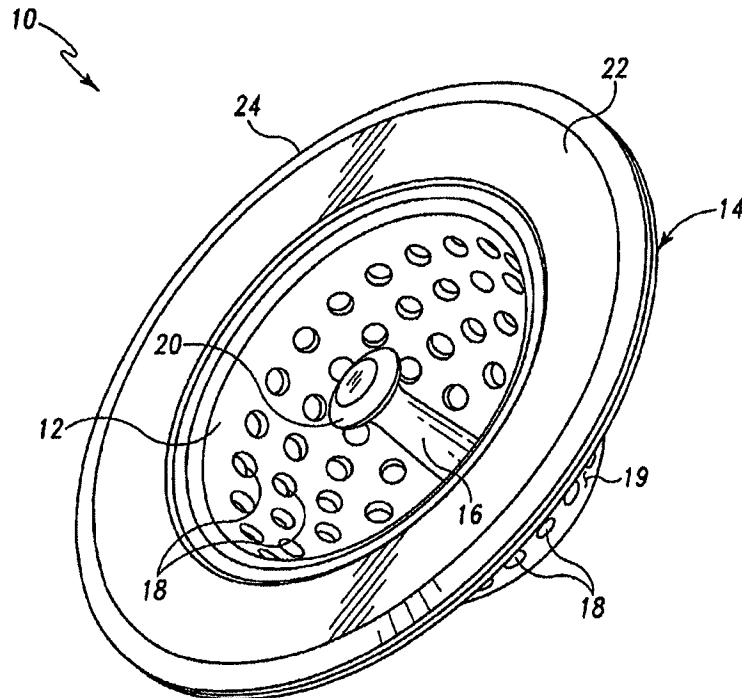
(56) **References Cited**  
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*Primary Examiner*—Gregory L. Huson  
*Assistant Examiner*—Karen Younkens  
(74) *Attorney, Agent, or Firm*—Seyfarth Shaw LLP; Joseph Lanser; Joseph P. Quinn

(57) **ABSTRACT**

A flexible sink strainer having a cupped body completely comprised of a flexible material including a plurality of apertures to allow fluid to pass therethrough, wherein the body is capable of attaining first and second configurations, the first configuration being suitable for capturing material entrained within fluid as it passes through the apertures and the second configuration being suitable for removing material captured on the body as fluid passes through the apertures, is disclosed.

**18 Claims, 9 Drawing Sheets**



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that of the strainer portion 12. Such a configuration may provide greater ease of manufacture, especially where the two components are unitary.

As still another alternative, other suitable configurations are possible to achieve the stated objectives. For example, the purpose of the post may be achieved through use of a ring, tab, or a similar protrusion from the first surface 17. Each of these different configurations (not shown) has benefits and advantages which would be understood by those skilled in the art.

Referring to FIG. 6, another embodiment of the present strainer 10 is shown. In this embodiment the strainer 10 is devoid of a post or similar article. Removal of the strainer 10 from a sink drain opening, where quickly fluid can create a substantial vacuum, may be made more difficult without the post, but manufacture of the resulting strainer 10 could be much less expensive. Inversion of the strainer 10 would be accomplished by a user pushing on the second surface 19 of the strainer portion.

The annular flange 14 of the strainer 10 helps to secure the strainer 10 within a desired sink drain opening (not shown) by engaging a surface of the sink (not shown). The flange 14 preferably has a substantial width to provide such securement. It should be understood, however, that some circumstances may not require the strainer 10 to have a flange of any width or may require only a very small flange width. Further, the material of the flange 14 may be a flexible material, similar to the strainer portion 12, or a rigid material, similar to the preferred material of the post 16. The embodiment of FIG. 1 shows a flange 14 comprised of a layer 22 of flexible or rigid plastic material and an outer ring 24 made of a suitable metal.

FIGS. 7, 8 and 9 illustrate different embodiments of the invention. FIG. 7 shows an embodiment similar to FIG. 1, except that the flange 14 is comprised of a solid metal ring 26 affixed to the upper edge of the strainer portion 12 by any known means. FIG. 8 shows the cross-section of a strainer 10 having a flange 14 comprised of the same material as, and integral to the strainer portion 12. FIG. 8, as well as FIG. 9, also illustrates the possible removal of the center post, as it might be attached to the strainer portion 12 of the strainer 10. A tubular portion 30 of the rigid post member 16 fits within an opening 32 of the strainer portion 12 and is held in place by fastener 34 from the second surface 19. FIG. 9 illustrates an embodiment having a rigid flange member 114 affixed to a flexible flange member 115, which is molded of material identical to that of the strainer portion 12. These and other variations can be made to the components of the invention while still achieving the intended goals of the flexible strainer 10.

In use, the strainer 10 of FIGS. 1-5 is placed within a sink drain opening (not shown) of a sink (not shown), with the concave first surface 17 and post 16 of the strainer portion 12 facing upwards. As fluid is added to the sink, such as, for example, by running a faucet, the fluid is strained for solid material exceeding the aperture size of the strainer portion, while passing through the strainer 10. At any point during this process, the strainer 10 may be removed from the drain opening and, by inverting the strainer portion as illustrated in FIG. 5, the entrained solids can be properly discarded in, for example, a waste can. The strainer 10 can then be returned to its original configuration and placed back into the sink drain opening or away for storage.

The matter set forth in the foregoing description and accompanying drawings is offered by way of illustration only and not as a limitation. While particular embodiments have been shown and described, it will be apparent to those skilled in the art that changes and modifications may be made without departing from the broader aspects of applicants' contri-

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bution. The actual scope of the protection sought is intended to be defined in the following claims when viewed in their proper perspective based on the prior art.

What is claimed is:

1. A sink strainer, comprising:

a substantially flat rigid flange having an inner circumference;

a flexible cup-shaped body having a periphery coupled to the inner circumference; and

an upstanding member coupled to the body distal from the periphery;

wherein the body is adapted to be axially movable between an inverted position and a non-inverted position relative to the flange and wherein the flange includes a flexible flange member forming a sink engaging surface of the flange; and a rigid flange member forming a top surface of the flange.

2. The sink strainer of claim 1 wherein the body includes a plurality of apertures adapted to allow fluid to pass there-through while retaining material entrained within said fluid when the body is in the non-inverted position and to allow removal of the material retained in the apertures when the body is in the inverted.

3. The sink strainer of claim 1, wherein the flange has a width adapted to engage a surface of a sink.

4. The sink strainer of claim 3, wherein the flange has an outside diameter of about 1.75 to about 2.0 times an inside diameter of the flange.

5. The sink strainer of claim 1, wherein the flange includes:

a plastic inner ring coupled to the body; and

a metal outer ring coupled to the inner ring.

6. The sink strainer of claim 1, wherein the flexible flange member is monolithically formed with the body.

7. The sink strainer of claim 1, wherein the flange is constructed of a metal material.

8. The sink strainer of claim 1, wherein the flange is constructed of a plastic material.

9. The sink strainer of claim 1, wherein the flange is constructed of an elastomeric material.

10. The sink strainer of claim 1, wherein the flange and the upstanding member are constructed of the same material.

11. The sink strainer of claim 1, wherein the flange and the body are constructed of the same elastomeric material.

12. The sink strainer of claim 1, wherein the upstanding member includes a post attached to a center portion of the body.

13. The sink strainer of claim 12, wherein the post has a length sufficient to permit access when the body is displaced in the non-inverted position and is substantially filled with retained material.

14. The sink strainer of claim 13, wherein the post extends to a height coinciding with a sink-engaging surface of the flange.

15. The sink strainer of claim 14, wherein the post includes a flared top portion.

16. The sink strainer of claim 1, wherein the upstanding member is removable from the body.

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a flexible cup-shaped body having a periphery coupled to the inner circumference and a plurality of apertures;

an upstanding member coupled to the body distal from the periphery adapted to facilitate axial movement of the body relative to the flange;

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wherein the body is adapted to be axially movable between  
an inverted position relative to the flange, wherein the  
apertures allow fluid to pass therethrough while retain-  
ing material entrained within the fluid, and a non-in-  
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fluid and retained by the apertures to flow therethrough  
and wherein the flange includes a flexible flange mem-  
ber forming a sink engaging surface of the flange; and a  
rigid flange member forming a top surface of the flange.

\* \* \* \* \*

**EXHIBIT 3**



**Helen of Troy**<sup>®</sup>

**William J. Bass**  
*Assistant General Counsel*

August 5, 2011

via email [pcloutier@karrtuttle.com](mailto:pcloutier@karrtuttle.com)

Priya Sinha Cloutier, Esq.  
Karr Tuttle Campbell  
1201 3rd Avenue, Suite 2900  
Seattle, Washington 98101

Re: "Tovolo" Collapsible Stopper & Strainer (the "Product")

Dear Ms. Cloutier:

This is in response to your July 20, 2011 letter. You have asked that we specifically outline our position of infringement of U.S. Patent No. 7,832,027 ("the '027 Patent"). Though we are unwilling to provide copies of any privileged communications, we summarize our findings as follows.

Each element of at least claim 1 of the '027 Patent is present in the Product, and therefore any sale of the Product in the United States literally infringes this patent.


The Product is a sink strainer comprising a substantially flat rigid "flange", which is circular (it has an "inner circumference"). The Product also includes a "flexible cup-shaped body", which is made from a silicone material and flexible. The body has a "periphery", near its top edge, and it is "coupled to the inner circumference" of the flange. The Product includes a post ("upstanding member"), connected to the body spaced equidistant ("distal") from the periphery of the body. Lastly, the flange of the Product also includes a silicone undersurface (the "flexible flange member"), forming a sink engaging surface of the flange, and a plastic ring (the "rigid flange member"), forming a top surface of the flange.

In its functionality, the body of the Product is adapted to be movable between an "inverted position" and a "non-inverted position" relative to the flange. The Product is in the non-inverted position when in typical use, when placed into a sink drain opening. When in the non-inverted position, the side wall is fully extended and the bottom wall is furthest spaced from the flange. According to promotional materials for the Product (included in my July 11 letter), it "collapses flat for easy storage" and "empties easily by pulling on the center post[s]". To collapse the Product, the bottom wall is moved toward and relative to the flange and the side wall of the body inverts; it reverses its position or turns upside down as compared to the non-inverted position. Since the side wall inverts from the typical use position, the "body" of the Product is adapted to be "axially moveable" between an inverted position and a non-inverted position relative to the flange.

I trust the foregoing adequately explains our position. You indicated in your letter that it is your hope to resolve this matter amicably and quickly. That is our hope as well. In an effort to resolve this matter, and without waiver of any rights or remedies, we are willing to evaluate a proposal from your client on disposal of its remaining inventory of the Product.

I look forward to hearing back from you at your earliest convenience. If you should have any questions or concerns, please contact me.

Very truly yours,



William J. Bass

cc: Mr. Alex Lee, OXO